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FILED

07 DEC -7 PM 2:50

CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Muhammad Younas Malik, individually;

Plaintiff,

vs

Michael Chertoff, Secretary of Homeland Security,
and Emilio Gonzalez, Director of the United States
Citizenship and Immigration Service, and David
Still, District Director of the San Francisco District
Office of the Citizenship and Immigration Service;

Defendants.

No. C 07-4113 MMC

RESPONSE TO ORDER TO SHOW
CAUSE AND
MOTION TO DISMISS COMPLAINT

PLAINTIFF HEREBY NOTIFIES THE COURT that the principle issue underlying Plaintiff's complaint seeking declaratory relief in the form of mandamus to compel the District Director of the Office of Citizenship and Immigration Services (CIS) in San Francisco to forward the appeal filed with said office on June 1, 2005 to the Board of Immigration Appeals in Falls Church Virginia for adjudication by the body is no longer at issue.

Prior to November 16, 2007 Plaintiff was informed that upon service of the instant complaint Defendants took steps to correct the procedure delay that had been the basis for the underlying complaint. On November 20, 2007 the Board of Immigration Appeals reached a decision concerning

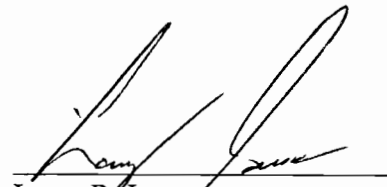
1 the underlying appeal previously subject to two years in processing delay thus negating the need for
2 this Court to compel the government to proceed with the adjudication process by way of mandamus.

3 PLAINTIFF HEREBY MOVES THIS COURT to dismiss the immediate complaint as the
4 principle underlying issue is now mute.
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7 Dated: December 7, 2007

Respectfully submitted.

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A handwritten signature in black ink, appearing to read 'Larry P. James', is written over a horizontal line.

Larry P. James
Attorney for Plaintiff

PROOF OF SERVICE

I, the undersigned, declare:

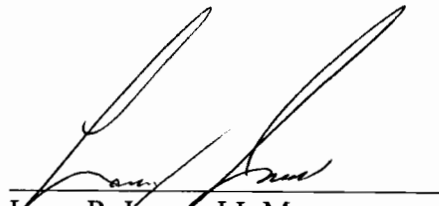
That I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; I am employed by James International Law, Inc. and my business address is 1207 Front Street, Suite No. 22, Sacramento, California 95814.

That I served a true copy of the attached **Response to Order to Show Cause and Motion to Dismiss Complaint** in person by placing said true copy in an envelope, which was then sealed, with postage paid thereon, and was this day addressed as follows:

X

Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528

Executed this 7th day of December, 2007, at
Sacramento, California



Larry P. James, LL.M.
Attorney at Law